

Message Text

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PAGE 01 KUALA 07889 280908Z
ACTION L-03

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FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC 6918
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POSTS FOR DEA

HONG KONG FOR LEGAL ATTACHE

E. O. 11652:N/A
TAGS: SNAR, PDIP, MY
SUBJ: EXTRADITION: CHUA HAN MOW WE-71-0006 DA4H1

REF: KUALA LUMPUR 5184

THE HIGH COURT HEARING ON CHUA HAN MOW'S EXTRADITION
TO THE U.S. RESUMED ON JULY 26 AND ALL ARGUMENTS WERE
FINISHED ON JULY 28. JUDGE DATO SYED OTHMAN BIN ALI
RESERVED JUDGEMENT, SAYING HE HOPED TO RENDER HIS DECISION
IN MID-AUGUST. (FYI DATO SYED OTHMAN WAS RECENTLY
PROMOTED FROM THE HIGH COURT TO THE FEDERAL COURT, THE
HIGHEST COURT OF APPEAL IN MALAYSIA, AND THE FEDERAL COURT
SITS IN EARLY AUGUST; THUS THE DELAY IN RENDERING HIS
JUDGEMENT.)

2. AMAJOR PART OF CHUA HAN MOW'S ARGUMENT BEFORE THE
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HIGH COURT WAS THAT THE COMMITTAL FORM SIGNED BY THE
LOWER COURT MAGISTRATES TO SEND HIM TO PRISON TO AWAIT
EXTRADITION WAS NO THE PONE PRESCRIBED FOR SUCH A
PURPOSE BY THE EXTRADITION ORDINANCE, AND HIS DETENTION
AFTER THE LAST LOWER COURT HEARING HAS THUS BEEN
INVALID. THE JUDGE SEEMED TO AGREE WITH THIS POINT
BUT NOTED THAT SIMPLEREMEDY FOR THE GOM WOULD BE TO

HAVE THE MAGISTRATES ISSUE NEW COMMITMENT ORDERS. THIS
WOULD ASSURE THAT CHUA WOULD REMAIN IN CUSTODY, BUT
COULD DELAY THE PROCESS EVEN LONGER. IN ANY CASE, THE
HIGH COURT JUDGE SAID THAT NO MATTER WHAT HIS
DECISION, THE CASE WOULD GO TO THE FEDERAL COURT FOR
A FINAL DECISION AND BOTH THE GOM AND CHUA'S
LAWYERS AGREED. WE ARE STILL FAR FROM THE END OF THIS
CASE.
MILLER

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